

1 AN ACT concerning employment.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Minimum Wage Law is amended by changing
5 Section 4 as follows:

6 (820 ILCS 105/4) (from Ch. 48, par. 1004)

7 Sec. 4. (a) Except as otherwise provided in this
8 Section, every employer shall pay to each of his employees in
9 every occupation wages of not less than \$2.30 per hour or in
10 the case of employees under 18 years of age wages of not less
11 than \$1.95 per hour, except as provided in Sections 5 and 6
12 of this Act, and on and after January 1, 1984, every employer
13 shall pay to each of his employees in every occupation wages
14 of not less than \$2.65 per hour or in the case of employees
15 under 18 years of age wages of not less than \$2.25 per hour,
16 and on and after October 1, 1984 every employer shall pay to
17 each of his employees in every occupation wages of not less
18 than \$3.00 per hour or in the case of employees under 18
19 years of age wages of not less than \$2.55 per hour, and on or
20 after July 1, 1985 every employer shall pay to each of his
21 employees in every occupation wages of not less than \$3.35
22 per hour or in the case of employees under 18 years of age
23 wages of not less than \$2.85 per hour, and from January 1,
24 2004 through December 31, 2004 every employer shall pay to
25 each of his or her employees who is 18 years of age or older
26 in every occupation wages of not less than \$5.50 per hour,
27 and on and after January 1, 2005 every employer shall pay to
28 each of his or her employees who is 18 years of age or older
29 in every occupation wages of not less than \$6.50 per hour.

30 At no time shall the wages paid to any employee under 18
31 years of age be more than 50¢ less than the wage required to

1 be paid to employees who are at least 18 years of age.

2 (b) No employer shall discriminate between employees on
3 the basis of sex or mental or physical handicap, except as
4 otherwise provided in this Act by paying wages to employees
5 at a rate less than the rate at which he pays wages to
6 employees for the same or substantially similar work on jobs
7 the performance of which requires equal skill, effort, and
8 responsibility, and which are performed under similar working
9 conditions, except where such payment is made pursuant to (1)
10 a seniority system; (2) a merit system; (3) a system which
11 measures earnings by quantity or quality of production; or
12 (4) a differential based on any other factor other than sex
13 or mental or physical handicap, except as otherwise provided
14 in this Act.

15 (c) Every employer of an employee engaged in an
16 occupation in which gratuities have customarily and usually
17 constituted and have been recognized as part of the
18 remuneration for hire purposes is entitled to an allowance
19 for gratuities as part of the hourly wage rate provided in
20 Section 4, subsection (a) in an amount not to exceed 40% of
21 the applicable minimum wage rate. The Director shall require
22 each employer desiring an allowance for gratuities to provide
23 substantial evidence that the amount claimed, which may not
24 exceed 40% of the applicable minimum wage rate, was received
25 by the employee in the period for which the claim of
26 exemption is made, and no part thereof was returned to the
27 employer.

28 (d) No camp counselor who resides on the premises of a
29 seasonal camp of an organized not-for-profit corporation
30 shall be subject to the adult minimum wage if the camp
31 counselor (1) works 40 or more hours per week, and (2)
32 receives a total weekly salary of not less than the adult
33 minimum wage for a 40-hour week. If the counselor works less
34 than 40 hours per week, the counselor shall be paid the

1 minimum hourly wage for each hour worked. Every employer of
2 a camp counselor under this subsection is entitled to an
3 allowance for meals and lodging as part of the hourly wage
4 rate provided in Section 4, subsection (a), in an amount not
5 to exceed 25% of the minimum wage rate.

6 (e) A camp counselor employed at a day camp of an
7 organized not-for-profit corporation is not subject to the
8 adult minimum wage if the camp counselor is paid a stipend on
9 a onetime or periodic basis and, if the camp counselor is a
10 minor, the minor's parent, guardian or other custodian has
11 consented in writing to the terms of payment before the
12 commencement of such employment.

13 (f) If an Illinois employer reasonably demonstrates that
14 its manufactured goods are in competition with foreign goods
15 that are manufactured in violation of United States foreign
16 trade law, the minimum hourly wage set forth in subsection
17 (a) does not apply; instead, at no time shall the wages paid
18 by that employer to each employee in every occupation be less
19 than the federal minimum hourly wage prescribed by the Fair
20 Labor Standards Act of 1938 (29 USC 201 et seq.). The
21 Department shall adopt rules to implement this subsection
22 (f).

23 (g) If an Illinois manufacturer has a manufacturing
24 facility in another state and the minimum hourly wage in that
25 state is lower than the minimum hourly wage set forth in
26 subsection (a), the minimum hourly wage set forth in
27 subsection (a) does not apply; instead, at no time shall the
28 wages paid by that employer to each employee in every
29 occupation be less than the federal minimum hourly wage
30 prescribed by the Fair Labor Standards Act of 1938 (29 USC
31 201 et seq.). This subsection (g) does not apply to employers
32 that do not operate a manufacturing process as defined by
33 Section 2-45 of the Retailers' Occupation Tax Act. The
34 Department shall adopt rules to implement this subsection

1 (g).

2 (Source: P.A. 93-581, eff. 1-1-04.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.